

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/692,765
Filed: October 19, 2000
Inventors:
Thomas E. Saulpaugh, et al.

Examiner: Patel, Ashokkumar
Group/Art Unit: 2154
Atty. Dkt. No: 5181-65700

Title: EVENT MESSAGE
ENDPOINTS IN A
DISTRIBUTED
COMPUTING
ENVIRONMENT

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Robert C. Kowert

Name of Registered Representative

[Signature] August 2
Signature Da

August 23, 2005

Date _____

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated below.

Claims 1-48 are pending in the application.¹ Reconsideration of the present case is earnestly requested in light of the following remarks. Please note that for brevity, only the primary arguments mainly directed to the independent claims are presented, and that additional arguments, e.g., directed to the subject matter of the dependent claims, will be presented if and when the case proceeds to Appeal.

Claims 1-11, 14-24, 27-33 and 36-46 are rejected under 35 U.S.C. § 102(e) as being anticipated by Bass et al. (U.S. Patent 6,549,956) (hereinafter “Bass”). Applicants note the following clear errors in the Examiner’s rejection.

The cited reference does not support a rejection based on anticipation. Specifically, regarding claim 1 and contrary to the Examiner's assertion, **Bass clearly fails to disclose receiving a message in a data representation language sent to a client platform in the distributed computing environment from a service in the distributed computing environment, wherein the message includes a data representation language representation**

of an event generated by the service. Bass teaches a mechanism for connecting disparate publication and subscribe domains via the Internet in which two channel adapters together act as a bridge across the network. Specifically, Bass teaches the use of existing network protocols (SMTP, TCP/IP, etc) via existing holes in firewalls (column 2, lines 32-34). The Examiner cites portions of Bass (col. 2, lines 4-9, and 15-31, and column 3, lines 43-50) that describe how Bass' channel adapters receive published events, translate them into a message format suitable for transmission over a network, and send them to a channel adapter on another platform that translates the message back into the original event information.

The Examiner contends that by disclosing the translation of event information into *network protocol messages*, Bass discloses "that an event (message) can be represented in any data representation language and will be converted back into the event format for use in the other domain" (Office Action of Oct. 21, 2004, page 3, lines 4-6 and Final Office action of page, 13, lines 11-13). The Examiner also argues that by simply stating that channel adapters can convert event information into a format *acceptable by the network*, Bass discloses, "that an event (message) can be represented in any data representation language." However, the Examiner's interpretation of Bass is incorrect. The Examiner is arguing that the phrase "a format acceptable by the network" discloses the use of *any data representation language*. However, without some clear teaching by Bass regarding the use of a data representation language, Bass cannot be said to anticipate a message including a data representation language representation of an event. Furthermore, without some clear teaching by Bass, the Examiner's speculation regarding Bass' possible use of data representation languages for messages is clearly improper in a rejection under 35 U.S.C. § 102(e) (i.e. anticipation).

In response to the above argument, the Examiner, in the Response to Arguments section of the Oct. 21, 2004 Office Action and the Final Office Action, refers to Bass' teachings regarding sending event information in an email via Simple Mail Transfer Protocol (SMTP). Apparently the Examiner is arguing that SMTP is a data representation language. However, SMTP is a protocol, *not a data representation language*. Data representation languages are well understood in the art. No one of ordinary skill in the art would consider SMTP (or any other similar network protocol) to be a data representation language. Also, as is well known in the art, SMTP does not contemplate the use of a data representation language.

Bass teaches only the translation of event information into existing network protocol messages, such as an SMTP email, TCP/IP packet, or FTP transfer message. Bass does not teach that the messages sent using these protocols are messages in a data representation language. Bass teaches the use of existing network protocols in order to take advantage of the fact that existing network protocols use existing holes in firewalls and other security mechanisms (see, column 2, lines 15-35). For instance, Bass teaches that an event is formatted for transmission on a network (such as the Internet) and that "[t]he format may use transmission control protocol/Internet protocol (TCP/IP), simple mail transport protocol (SMTP), File Transfer Protocol (FTP), or whatever protocol is useable by the connecting network" (column 3, lines 35-42). Bass does not mention using messages in a data representation language. Nor is there any reason to use messages in a data representation language in Bass's system, since none of the existing communications protocols advocated by Bass inherently use messages in a data representation language. Data representation languages are *specific types of languages* traditionally used in the prior art to describe documents or other content. **The prior art does not teach the use of a data representation language to represents events in messages between entities in a distributed computing environment.**

In the Response to Arguments section of the Final Office Action, the Examiner responds to the argument above by objecting to Applicants' use of the phrase "data representation language messages" to refer to messages in a data representation language, arguing that Applicants' claims do not recite the phrase "data representation language messages." Thus, the Examiner does not actually provide any rebuttal of Applicants' argument regarding the fact that Bass fails to disclose messages in a data representation language.

Additionally, Bass fails to anticipate that the message includes a data representation language representation of an event generated by the service. In contrast, Bass teaches channel adapters that "convert the event information into a format acceptable by the network" (column 2, lines 15-18). The "format acceptable by the network" in Bass is not described as a data representation language representation of an event. Bass clearly does not teach a message that includes a data representation language representation of an event. The Examiner cites only col. 2, lines 4-9, and 15-31 of Bass that, as noted above, describe how a channel adapter translates event information into network protocol messages. The Examiner does not cite any portion of Bass that refers to any data representation language representation of an event.

Furthermore, Bass fails to anticipate sending the data representation language representation of the event to one or more processes registered to receive the event from the service. The Examiner cites column 2, lines 9-15, where Bass describes a process adapter subscribing to and receiving an event via a channel adapter. However, Bass only teaches that the process adapter receives the event, not a data representation language representation of the event. The Examiner argues that by teaching how a channel adapter reformats an event for transmission over the Internet, Bass discloses the use of a data representation language representation of events. The Examiner's interpretation of Bass is incorrect. As noted above, Bass teaches only translating event information into a format suitable for transmission over the Internet via any of a number exiting network protocols (such as TCP/IP, SMTP, FTP, etc). However, nowhere does Bass mention that the event information is a data representation language representation of an event.

In response the Applicants' argument above, the Examiner responds by citing Bass column 3, lines 43-50 where Bass describes how channel adapters receive published events, translate them into a message format suitable for transmission over a network, and send them to a channel adapter on another platform that translates the message back into the original event information. Thus, when Bass' channel adapter delivers the event to the subscribing process, the channel adapter has already, "re-transformed" the email (used to send the event information) back into the event (See, Bass, column 3, lines 45-50). Bass specifically states that the channel adapter delivers the re-constituted event. Bass does not mention delivering a *data representation language representation of the event*, to subscribing processes.

Thus, the Examiner has clearly erred by ignoring the specific limitations of receiving a message in a data representation language and wherein the message includes a data representation language representation of an event. Bass clearly fails to anticipate receiving a message in a data representation language sent to a client platform in the distributed computing environment from a service in the distributed computing environment, wherein the message includes a data representation language representation of an event generated by the service.

For at least the reasons given above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Arguments similar to those presented above regarding claim 1 apply to claims 14 and 36 as well.

Regarding claim 27, Bass fails to anticipate a service process configured to generate a message in a data representation language. The Examiner cites column 2, lines 49, and 15-31 of Bass and argues that converting event information into a format acceptable by the network discloses that an event (message) can be represented in any data representation language. The Examiner's interpretation of Bass is incorrect. As discussed above regarding claim 1, Bass teaches the use of existing network protocols such as SMTP, TCP/IP, or FTP which have absolutely no bearing whatsoever on the use of a data representation language. Bass does not mention anything regarding using data representation language messages.

Bass further fails to anticipate wherein the message includes a data representation language representation of the event generated by the service process. The Examiner does not cite any passage in Bass that refers to a message including a *data representation language representation* of an event, as suggested by the Examiner. Instead, Bass teaches that the event information is translated into a network protocol message, as described above regarding claim 1. Furthermore, as defined in the art, existing network protocols do not include data representation language representation of events.

Bass also does not anticipate wherein each of the one or more event message gate units is operable to distribute the data representation language representation of the event, as asserted by the Examiner. Also as noted above regarding claim 1, Bass teaches that once received by a channel adapter, the network protocol message is converted back into the original event information. Thus, in order to distribute data representation language representations of an event, an event would have to originally be a data representation language representation of the event. However, Bass does not teach anything regarding data representation language representations of events.

In the Response to Arguments, the Examiner cites elements 16 and 17 of Bass' FIG. 1 and refers to the Examiner's Response to Arguments regarding claim 1. However, FIG. 1 of Bass does not illustrate a message in a data representation language or data representation language representations of events generated by the service process. Furthermore, as noted above, Bass teaches the use of existing network protocols, such as SMTP, TCP/IP, or FTP, which, as discussed above, are not data representation languages.

For at least the reasons given above, the rejection of claim 27 is not supported by the prior art and removal thereof is respectfully requested.

The Examiner's rejection of many of the dependent claims is additionally erroneous. For example, the cited art is clearly insufficient to support the rejection of claims 2-6, 8, 10, 15-18, 20, 22, 29, 31-33, 37-41, 43 and 48 as discussed in Applicant's response filed on July 13, 2005 starting at the top of p. 18 through p. 30.

In light of the foregoing remarks, Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested. If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5681-65700/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☒ Notice of Appeal

Respectfully submitted,



Robert C. Kowert

Reg. No. 39,255

ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

Date: August 23, 2005